

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 11 AM 9:57

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo AGUAYO

Defendant.

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
08 MJ 2470

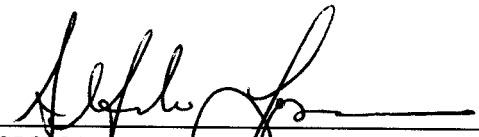
Magistrate Case No. _____
BY _____ DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **August 8, 2008**, within the Southern District of California, defendant **Ricardo AGUAYO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Martha Leticia GUTIERREZ-Jimenez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF
AUGUST, 2008.


UNITED STATES MAGISTRATE JUDGE

Arrested
8-8-08

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Fernando Cerda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Martha Leticia GUTIERREZ-Jimenez** is a citizen of a country other than the United States; that said alien has admitted that she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

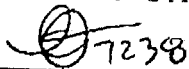
The complainant further states that on August 8, 2008, at approximately 6:20 AM, **Ricardo AGUAYO (Defendant)** attempted to enter the United States from Mexico at the Otay Mesa Port of Entry driving a red 2006 Ford F-150. U.S. Customs and Border Protection (CBP) Officers were conducting pre-primary enforcement operations when Defendant was approached as he awaited inspection in the vehicle lanes. A CBP K-9 Officer screened the vehicle utilizing his CBP Canine who alerted to the conveyance. Defendant presented his lawfully issued U.S. Passport and gave a negative Customs declaration. Defendant claimed he had dropped off a relative at the airport and was now returning home to North Hollywood, California. Upon inspection of the vehicle, the Officers discovered a non-factory engine compartment. When the Officers removed the covering of the engine compartment they discovered a female concealed inside. Vehicle was escorted to secondary for a more thorough inspection.

In secondary, one adult female was found secreted inside the engine compartment that was located between the radiator and the front grill. The female was removed from the concealment area and escorted to a secondary office. Further investigation revealed she is a citizen and native of Mexico who has no entitlements to entry, passage or residency in the United States. She is now identified as **Material Witness Martha Leticia Gutierrez-Jimenez**. All parties were referred to the Prosecutions Unit for further processing.

During a videotaped interview, Defendant was advised of his Miranda rights and agreed to submit to questioning without benefit of counsel. Defendant admitted that he is the registered owner of the vehicle and that he built the compartment himself for the sole purpose of smuggling aliens into the United States. Defendant went on to say that he concealed Material Witness in the compartment. Defendant declared he was going to be paid \$1,000.00 USD to smuggle Material Witness into the United States.

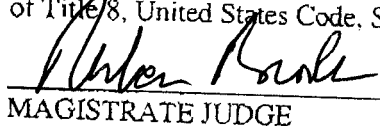
The Material Witness was also interviewed and a videotaped statement was obtained with the following declaration: Material Witness declared to be a citizen of Mexico who has no legal right to enter the United States. Material Witness entered into a financial agreement with an unidentified smuggler to be smuggled into the United States for the monetary sum of \$4,000 USD payable upon her arrival. Material Witness was destined to Perris, California to re-establish residency and procure employment.

EXECUTED ON THIS 8th DAY OF AUGUST, 2008 AT 4:00 PM.

 7238

Fernando Cerda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on August 8th, 2008 in violation of Title 18, United States Code, Section 1324.


MAGISTRATE JUDGE

8/19/2008 at 11:10 a.m.
DATE / TIME